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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CANDACE GRIFFITH,  
Plaintiff,  
vs.  
MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant.

Case No. 1:07-cv-0819 OWW TAG  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION WITHOUT PREJUDICE FOR  
FAILURE TO COMPLY WITH COURT  
ORDERS AND TO PROSECUTE  
([Doc. 13](#))

On June 6, 2007, Plaintiff Candace Griffith (Plaintiff) filed a pro se complaint in this Court seeking judicial review of a final decision by the Commissioner of Social Security denying her application for Social Security disability benefits. (Doc. 1). The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rule 72-302(c)(15).

On June 7, 2007, the Court issued a Scheduling Order, which directed Plaintiff to serve her complaint upon the Commissioner within twenty days after filing her complaint and to file a return of service with this Court. (Doc. 4). On October 1, 2007, after observing that no return of service had been filed, the Magistrate Judge issued an Order to Show Cause directing Plaintiff to show cause why the action should not be dismissed for failure to prosecute. (Doc. 6). On October 24, 2007, pursuant to Plaintiff's request and for good cause shown, the Magistrate Judge discharged its October 1, 2007, Order to Show Cause and granted Plaintiff an additional twenty days to effect service on the required parties. (Doc. 8). When no return of service was filed as of February 1, 2008, the Magistrate Judge issued a second Order to Show Cause, directing Plaintiff to show cause why this action should not be dismissed for failure to prosecute and failure to comply with the

1 Court's orders. (Doc. 9). The February 1 order warned Plaintiff that a recommendation to dismiss  
2 her action would be made unless, within fifteen days, Plaintiff properly served the required parties  
3 and filed executed returns of service with the Court. (Id.). Plaintiff's letter response failed to  
4 provide good cause for Plaintiff's failure to comply with the Court's orders. (Doc. 11).

5 On March 5, 2008, the Magistrate Judge filed Findings and Recommendations, in which she  
6 recommended that this case be dismissed for failure to comply with the Court's scheduling and show  
7 cause orders, and for Plaintiff's failure to prosecute the action. ([Doc. 13](#)). The Findings and  
8 Recommendations were served on all parties and contained notice that any objections were to be  
9 filed within fifteen (15) days of the date of service. ([Doc. 13](#)). No objections have been filed.

10 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), Federal Rule of Civil  
11 Procedure 72(b), and Local Rule 72-304, this Court has conducted a de novo review of the case.  
12 Having carefully reviewed the entire file, the Court finds that the Findings and Recommendations  
13 filed on March 5, 2008, are supported by the record and by the Magistrate Judge's analysis.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The Findings and Recommendations, filed March 5, 2008 ([Doc. 13](#)), are ADOPTED
- 16 IN FULL; and
- 17 2. Plaintiff Candace Griffith's Social Security action is DISMISSED WITHOUT
- 18 PREJUDICE for failure to comply with Court orders and to prosecute; and
- 19 3. The Clerk of Court is DIRECTED to close this case.

20 IT IS SO ORDERED.

21 **Dated:** March 24, 2008

/s/ **Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE